

EXHIBIT 18

REUQUIYAH SAUNDERS
LEWIS vs MI DEPT OF EDUCATIONJune 14, 2024
1

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF MICHIGAN

3 DONQUARION LEWIS, et al,
4 Plaintiffs, File No. 1:22-cv-00838-RJJ-PJG
5 vs.
6 MICHIGAN DEPARTMENT
7 OF EDUCATION,
8 Defendant.
9

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11
12 DEPOSITION OF
13 REUQUIYAH SAUNDERS
14
15
16
17 Friday - June 14, 2024
18 10:11 a.m.
19 215 S. Washington Square, Suite 200
20 Lansing, Michigan
21
22
23 Karen L. Banks, CER 3592
24 Certified Electronic Recorder
25 Esquire Deposition Solutions
Firm Registration Number 8035

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1 here probably helped me through that process. There's one
2 coordinator for special education, which was the only person I
3 had and myself, and then Tori Wentela was the monitor before
4 Shelly Hawthorne.
5 Q Okay.
6 A And then other administrator of our department, but not a
7 special education administrator, Mr. Smith. And then one of
8 our school psychologists.
9 Q Okay. On page 3 of Exhibit 14 at the top, there's a question,
10 "What documentation will your district have available as
11 evidence that your tasks and activities were completed ..."
12 A Yes.
13 Q It notes there that, "The District will upload meeting notes,
14 agendas and new policies and procedures throughout the '17-18
15 school year." Right?
16 A Yes.
17 Q Do you remember submitting a revised version of the KPS Child
18 Find policy to MDE during that school year?
19 A I don't.
20 Q Okay.
21 A I don't recall the -- I mean actually uploading this.
22 Q Okay. Do you know if anyone else would have uploaded it?
23 A I don't think so. It would have been me or maybe Tori, but
24 really the responsibility was me, mine to upload.
25 Q Okay. And speaking of Tori Wentela, just real quick, do you

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1 person, whether it was Tori Wentela or somebody else?
2 A Not to my knowledge. And I can safely say that they -- no one
3 from my team probably would. They don't -- they will try to
4 reach out. They have tried to reach out sometimes to team or
5 administrators, but they usually come through me. Their
6 communication comes through me.
7 Q Okay, all right. I'd like to move to Exhibit 24.
8 (Deposition Exhibit 24 marked)
9 BY MR. SICKON:
10 Q This is one of the Child Find policy documents that KPS
11 provided to MDE as demonstration of coming into compliance.
12 We had talked about how behavioral concerns were at the heart
13 of this particular case; right?
14 A Yes.
15 Q Okay. If you go to page 4 of this Child Find policy, we'll
16 find the only mention of behavior in a section titled
17 "Multi-Tiered System of Supports." Do you see the word
18 "behavioral" in that paragraph?
19 A Yes.
20 Q Would you review that paragraph, please, and let me know when
21 you're done?
22 A Yes.
23 Q Okay. Now, after reviewing that paragraph, do you believe
24 that that paragraph would ensure that a student's behavioral
25 concerns are considered and assessed appropriately in initial

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1 evaluation?
2 A Not alone, no. This is one document. We have several other
3 documents that speak to if students aren't making progress
4 academically and behaviorally. So I wouldn't anticipate that
5 this would be the only document staff who are trained would
6 use to determine if student behavior needs to be addressed in
7 an initial evaluation.
8 Q Okay. So this --
9 A This is a very --
10 Q -- wouldn't do it on its own?
11 A No. This is a very -- I don't even know what date, but this
12 is -- yeah, this is a very general document.
13 Q Okay. We're going to stick with it for just a second more.
14 If we flip back to page 2.
15 A Um-hmm.
16 Q I'm sorry. Page 3. The first paragraph of the referral
17 processes section states that a district -- I'm sorry, that
18 KPS "... is required to make reasonable efforts to obtain
19 parental consent for the initial evaluation within thirty
20 calendar days of receipt of a referral ..."; is that right?
21 A Yes.
22 Q Is that an accurate statement of law?
23 A I believe that it is -- the district is required. I think
24 that you're asking me -- reasonable efforts, we have to obtain
25 parental consent for the initial evaluation within thirty days

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1 of the receipt of the referral. What part are you asking?

2 Q Does the thirty-day timeline sound right to you?

3 A Yes.

4 Q Okay. Now, this was something that I imagine you had

5 uploaded, because you mentioned that it was more or less your

6 sole responsibility in uploading things for CAPs at KPS;

7 right?

8 A Yes, or whatever we would provide for training or maybe the

9 website. Anything that we would produce, I would just give

10 copies of just to make sure that if there were pieces that we

11 mentioned anything about evaluation, they were provided. Or

12 anything to do with the department, they were provided if it

13 had something to do with compliance or a CAP.

14 Q That you would upload it so MDE could have it?

15 A Right. So sometimes I'd -- you know, I would do a screenshot

16 of, you know, a QR code where people could access our

17 department or anything that was related to what we were

18 providing for students. So it didn't have to always be a

19 document like this. It could be a PowerPoint. It could be,

20 you know, a survey. As I mentioned, sign-in sheets, all kinds

21 of things.

22 Q Okay. Do you know if Tori Wentela might have reviewed this

23 document after it was uploaded?

24 A I don't.

25 Q Do you know if anybody at MDE reviewed it after it was

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1 uploaded?

2 A I don't.

3 Q And one last thing on page 2. In the section that is

4 Coordination with Non-Educational District Agencies, there is

5 a bracketed and italicized section that states:

6 "LEAs should tailor this section to describe all

7 relevant relationships with District agencies and

8 coordination efforts around Child Find responsibilities."

9 Right?

10 A Yes.

11 Q Who do you think wrote that?

12 A I'm not sure. In this section I've seen where an LEA may list

13 all of their local, so this was a draft. So updated

14 procedures or updated information so germane to Kalamazoo may

15 be, you know, Family and Children Services, may mean other

16 agencies that collaborate with us, and we have brochures,

17 fliers, different things for people in doctors' offices for

18 Child Find. So I'm not sure. This was a draft.

19 Q Does it sound like something, framed as it is for LEAs in

20 general, that a KPS employee would write?

21 A No.

22 Q Any idea if it would have been somebody from KRESA?

23 A Could be. I mean using the term "LEAs" is not a term that we

24 use --

25 Q Right.

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1 A -- on a regular basis. So it would have to be someone in a

2 position that would be, you know, either in a KRESA or in a

3 state kind of position. It wouldn't be something that just an

4 administrator would write or a staff member.

5 Q From KPS.

6 A Yes.

7 Q Okay, all right. There's another Child Find policy document

8 that was uploaded concerning this complaint as well, and we'll

9 go there. That's 42.

10 (Deposition Exhibit 42 marked)

11 BY MR. SICKON:

12 Q And like I said, this is another one that was submitted to MDE

13 in this complaint to demonstrate compliance with the CAP

14 ordered. Are you familiar with this document?

15 A Yes. It's is an old document, but yes.

16 Q On page 1 there's a section titled "KPS Student Services

17 Handbook Child Find Procedures"; right?

18 A Yes.

19 Q And that entire paragraph is highlighted, it appears.

20 A Yes.

21 Q Now, I know that we talked earlier about a handbook when we

22 were discussing the complaint right before lunch, 22-85.

23 A Um-hmm, yes.

24 Q We were looking at Exhibit 22 then and it discussed the

25 handbook. Do you remember that?

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1 A Yes.

2 Q Could this be the section that was discussed in that Exhibit

3 22?

4 A It could be a portion of that. It looks like it's been cut

5 out of something else.

6 Q Okay. So the document in 22 may have been a larger document?

7 A Yes.

8 Q The handbook that --

9 A Yes.

10 Q The staff handbook is a larger document.

11 A Yes. Because uploading in Catamaran, there's a process that

12 you upload what you currently have, and there's a process that

13 you upload after you've been given recommendations or reports.

14 So some of the information may be the same and some of it may

15 be changed if they say you just need to update this section or

16 you need to address this or you need to do your policies and

17 procedures all over. So Child Find is one that's pretty

18 general, so -- and looking at each individual case, many times

19 I would upload the same information if they said, "What do you

20 currently have if it hasn't been addressed, and then here's

21 the pieces that you need to change." So this looks like it

22 might be a portion of some of that, but --

23 Q Okay.

24 A -- without seeing like the whole entire document.

25 Q Okay.

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1 A But I know that it's something that we provided.

2 Q All right. And you had mentioned that the first document we

3 saw, Exhibit 24, was a more general overview of Child Find;

4 right?

5 A Yes.

6 Q Now --

7 A And that it looks like myself and -- were working on or in the

8 midst of working on during like '17, maybe '17-18 --

9 Q Okay.

10 A -- when I first started.

11 Q And the handbook that you're mentioning contains sometimes

12 updates that might be more particular, more specific than that

13 general document?

14 A Yes.

15 Q And this seems to be part of that staff handbook, right,

16 pulled out?

17 A At some level, yes. It doesn't have any page numbers on it,

18 but yes.

19 Q Okay.

20 A It seems to be.

21 Q Now, for the purposes of this CAP, we had talked about a

22 student's behavioral concerns being considered and evaluated

23 appropriately. In combination with Exhibit 24, do you believe

24 that this paragraph provides KPS employees enough information

25 to ensure that a student's behavioral concerns are considered

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1 and evaluated appropriately?

2 A Not alone.

3 Q Not alone and not in --

4 A But given the rest of the document and if -- it talks about

5 MTSS, it talks about RtI, topics that we talk about pretty

6 much at every turn, every meeting and training, and behavior

7 is a major part of what we try to support, so -- not alone,

8 but in part of a larger conversation about child study team

9 processes and tier one, tier two, tier three interventions,

10 and staff should be able to know that.

11 Q And those are part of MTSS?

12 A Yes.

13 Q All right. Those different tiers that you mentioned.

14 A Yes.

15 Q And as the tiers go up, so do the intensity of supports?

16 A Yes.

17 Q Typically fewer and fewer students end up with the higher-tier

18 supports; correct?

19 A That's the hope.

20 Q Yes.

21 A That's the design. Yes.

22 Q And in the document here that discusses both MTSS and RTI, --

23 A Yes.

24 Q -- there's a chart that discusses RtI and MTSS, and if these

25 are concepts that are important that we should discuss, could

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1 you just -- because the chart says, "What is the difference

2 between RtI and MTSS?" Could you kind of run through some of

3 the highlights of those differences?

4 A RtI is the intervention and I think we look at how that looks.

5 MTSS is the model. So, you know, multi-tiered systems of

6 supports include academic and behavioral pieces, and the

7 response to the intervention that is decided within that model

8 is what we try to look at before we make determinations before

9 looking at any accommodations, eligibility, supports, in that

10 tier three. So part of the job of our ancillary staff is to

11 sit on these teams so that they are aware and trained in what

12 those interventions look like and to give, in their expertise,

13 recommendations of evidence-based practices in these tiers,

14 behavior and academic.

15 We have a big district, so it could vary from

16 building to building of what that looks like, but we've over

17 the last several years had a district child study team process

18 that every person has been trained in as part of compliance.

19 We made sure that everyone has a specific way that they're

20 looking at across the district. So that's the role. It

21 doesn't live in special education, but it -- somehow we are

22 kind of the driver of making sure that those processes are in

23 place before we even go tier three, which would be

24 eligibility.

25 Q Okay. So like you said, this is a model that can be applied

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1 in the general ed --

2 A It's supposed to be. Yes.

3 Q And so this helps to collect information that you might then

4 use in the event that you do suspect a student may have a

5 disability?

6 A Yes. Or if there hasn't been sufficient intervention or

7 response to it, yes.

8 Q Okay. And so in bridging the gap between the MTSS/RtI and the

9 Child Find process, this CAP seeks to make sure that

10 behavioral concerns are considered and evaluated

11 appropriately; right?

12 A Yes.

13 Q So MTSS and RtI could be collecting that behavioral data;

14 right?

15 A Yes, yes. And, you know, quite frankly we do a lot of

16 behavioral collection. So this is -- this CAP, you know -- of

17 course, we went back and reviewed it, but, you know, a lot of

18 our students don't come without behavior if they have academic

19 concerns. So it's unlike us not to check if there are any

20 behavioral concerns that might be affecting their ability to

21 access the general education setting.

22 Q Okay. And you had mentioned, though, that this on its own --

23 A Yeah.

24 Q -- would not be enough to ensure that a student's behavioral

25 concerns are considered and evaluated appropriately.

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1 A No, but our staff have enough other pieces that know that that
2 is a huge piece of how we look at the whole child.
3 Q Okay.
4 A So I wouldn't expect one document to do that, especially again
5 for training staff who are psychologists, social workers, you
6 know, resource teachers, literacy support folks. Those are
7 all part of the team, so one document alone would not be
8 appropriate.
9 Q There is one other concern that I wanted to bring up that does
10 go back to the Complaint 18-0085, which if you recall, the
11 underlying problem in that case or that complaint was that
12 chronic absenteeism was being used as an exclusionary factor;
13 right? And that is not something that's considered in this
14 document; correct?
15 A I don't see it. No.
16 Q Okay. But like you said, this is only a portion of the staff
17 handbook; correct?
18 A Um-hmm, um-hmm, yes.
19 Q Okay. So it may be in that handbook, but not here?
20 A It may be in the handbook. It may be in presentations. It
21 may be a lot of learning pieces that we provide staff.
22 Q And speaking of presentations, there's another exhibit I'd
23 like to go to, which is just the next one, 43.
24 (Deposition Exhibit 43 marked)
25 BY MR. SICKON:

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1 Q This is another document that KPS provided to MDE in
2 satisfaction of its CAP for 19-0088. Does this look familiar
3 to you?
4 A 2019, yes.
5 Q I'll give you a couple minutes to just go through. It's not
6 too long. It's ten or fifteen pages. Just let me know when
7 you're done.
8 A Okay.
9 Q Now, this document discusses both Child Find and MTSS, like we
10 had been speaking about; right?
11 A Yes.
12 Q Okay. But in your opinion, does this document have guidance
13 to KPS employees about ensuring that a student's behavioral
14 concerns are considered and addressed appropriately in an
15 initial evaluation?
16 A It doesn't specifically say "behavioral concerns," but MTSS,
17 again, that's part of the process. So if this multi-tier
18 system does support it, it's academic and behavior. Again,
19 that's not new learning for staff or anyone that's been, you
20 know, providing any kind of eligibility support. So it
21 doesn't highlight behavior specifically in here, but it
22 doesn't highlight a lot of things, either. It's pretty
23 general.
24 Q Okay. Now, do you recall submitting any other Child Find
25 policy documents to MDE regarding this complaint's CAP?

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